

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:22-cv-00068-M

LATONYA BANKS,

Plaintiff

v.

OLLIE’S BARGAIN OUTLET, INC.,

Defendant.

JOINT MOTION TO REMAND

Plaintiff Latonya Banks and Defendant Ollie’s Bargain Outlet, Inc., through their undersigned counsel, jointly move to remand this matter to state court by consent and under 28 U.S.C. § 1447. In support of this motion, Plaintiff and Defendant show the Court as follows:

1. Plaintiff commenced this action on March 28, 2022 against Defendant in the New Hanover County Superior Court, State of North Carolina, by filing a Complaint styled *Latonya Banks v. Ollie’s Bargain Outlet, Inc.*, File No. 22 CVS 001053 (the “State Court Action”).

2. Defendant removed the State Court Action to this Court. [DE 1]

3. The parties have entered into a Stipulation and Agreement Regarding Damages in this action. Plaintiff, Plaintiff’s Counsel, and Defendant’s counsel executed the Stipulation and Agreement. A true and accurate copy of the Stipulation and Agreement is attached to this motion as Exhibit 1.

4. Through the Stipulation and Agreement, the parties consent, stipulate, and agree that Plaintiff is not seeking damages in this action greater than \$74,999.00. As a result, in light of the Stipulation and Agreement, this Court lacks subject matter jurisdiction over this action because the action does not meet the amount-in-controversy requirement from 28 U.S.C. § 1332(a). Accordingly, the parties consent and jointly move that the Court remand this action to the New

Hanover County General Court of Justice, Superior Court Division, State of North Carolina.

WHEREFORE the parties consent and jointly move that the Court remand this action to the New Hanover County General Court of Justice, Superior Court Division, State of North Carolina and grant such other and further relief as the Court deems just and proper.

This the 12th day of May, 2022.

YOUNG MOORE AND HENDERSON, P.A.

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system and served the attorney listed below by U.S. Mail:

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Attorneys for Plaintiff

This the 12th day of May, 2022.

YOUNG MOORE AND HENDERSON, P.A.

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